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Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
-----)	

**NOTICE OF PRESENTMENT OF PROPOSED ORDER
GRANTING DEBTORS' OBJECTION TO PROOF OF CLAIM
NO. 1154 FILED BY KENNETH J. MALINOWSKI / NSEA**

PLEASE TAKE NOTICE that on July 23, 2013, the debtors and debtors in possession in the above-captioned cases (collectively, the "Debtors")¹ filed the *Debtors' Objection to Proof of Claim No. 1154 Filed by Kenneth J. Malinowski / NSEA* [Docket No. 4320] (the "Objection").

PLEASE TAKE FURTHER NOTICE that the objection deadline of August 13, 2013 having passed for the Objection, the Debtors will present the proposed *Order Granting Debtors' Objection to Proof of Claim No. 1154 Filed by Kenneth J. Malinowski / NSEA* (the "Proposed Order"), annexed hereto as Exhibit 1, to the Honorable Martin Glenn, United States Bankruptcy

¹ The names of the Debtors in these cases and their respective tax identification numbers are identified on Exhibit 1 to the *Affidavit of James Whitlinger, Chief Financial Officer of Residential Capital, LLC, in Support of Chapter 11 Petitions and First Day Motions* [Docket No. 6] (the "Whitlinger Affidavit").

Judge, at the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004, Room 501, for signature on **August 29, 2013 at 12:00 p.m. (Prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that a copy of the Objection and Proposed Order may be obtained via PACER at <http://www.nysb.uscourts.gov> or from the Debtors' restructuring website at www.kccllc.net/rescap.

Dated: August 27, 2013
New York, New York

/s/ Norman S. Rosenbaum
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EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
-----)	

**ORDER GRANTING THE DEBTORS' OBJECTION TO PROOF OF
CLAIM NO. 1154 FILED BY KENNETH J. MALINOWSKI / NSEA**

Upon the objection to Proof of Claim No. 1154 filed by Kenneth J. Malinowski (the "Objection")¹ filed by Residential Capital, LLC and its affiliated debtors in the above-captioned Chapter 11 Cases, as debtors and debtor-in-possession, seeking entry of an order, pursuant to section 502(b) of the Bankruptcy Code and Rule 3007(d) of the Bankruptcy Rules, disallowing and expunging the Claim on the grounds that it lacks sufficient documentation in support of the alleged claim against the Debtors, is not a liability of the Debtors, and fails to state a basis for liability against the Debtors, all as more fully described in the Objection; and due and proper notice of the Objection having been provided; and it appearing that no other or further notice need be provided; and the Court having reviewed the Objection, and having found and determined that the relief sought in the Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore,

IT IS HEREBY ORDERED THAT:

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Objection.

1. The Objection is **SUSTAINED** and the relief requested in the Objection is granted to the extent provided therein.

2. Pursuant to section 502(b) of the Bankruptcy Code, the Claim is hereby disallowed with prejudice and expunged in their entirety with prejudice from the Debtors' Claims Register.

3. If the relief requested in the Objection is not granted herein as to any particular claim included in the Claim, the Debtors may object to such claim in the future on any basis other than the bases set forth in the Objection.

4. The disallowance and expungement of the Claim does not constitute any admission or finding with respect to any other claims, and the Debtors' right to object to any other claims on any basis is hereby preserved.

5. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.

6. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of the Order.

7. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: August __, 2013
New York, New York

UNITED STATES BANKRUPTCY JUDGE